

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATHERINE L. WOITASZEWSKI,

Defendant.

8:21CR8

ORDER

This matter is before the Court on defendant Katherine L. Woitaszewski's ("Woitaszewski") Motion to Suppress (Filing No. 22) "all evidence obtained, seized, and otherwise confiscated as a result of a search of her hotel room located at Home Towne Lodge Room #234" in Omaha, Nebraska, on September 28, 2020. In Woitaszewski's view, the search violated her "rights under the Fourth Amendment to the Constitution of the United States."

On November 8, 2021, the magistrate judge¹ held an evidentiary hearing on Woitaszewski's motion to suppress and another pending motion. Shortly thereafter, the magistrate judge issued a Findings and Recommendation (Filing No. 57) recommending Woitaszewski's motion be denied. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P. 59(b).

Woitaszewski timely objected (Filing No. 58), challenging two of the magistrate judge's factual findings. She also objects to the magistrate judge's conclusions that the searching officers' actions did not violate her constitutional rights. In particular, Woitaszewski argues (1) the post-detention search was "not justified as a protective sweep," (2) objects seized from a safe "were not in plain view," (3) illegally obtained

¹The Honorable Susan M. Bazis, United States Magistrate Judge for the District of Nebraska.

evidence tainted a subsequent search pursuant to a warrant, and (4) the search clause in Woitaszewski's probation order does not justify a search.

The government timely responded (Filing No. 60) to Woitaszewski's objections. It maintains the magistrate judge properly concluded the search of Woitaszewski's hotel room was constitutional.

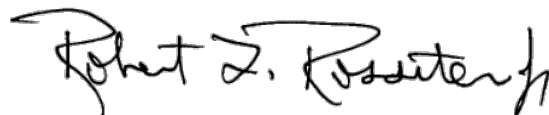
Having carefully reviewed de novo those matters to which Woitaszewski has objected as required by § 636(b)(1), the Court finds no material error in the magistrate judge's Findings and Recommendation. Because the Court agrees the officers' actions did not violate Woitaszewski's constitutional rights,

IT IS ORDERED:

1. Defendant Katherine L. Woitaszewski's objections (Filing No. 58) are overruled.
2. The magistrate judge's Findings and Recommendation (Filing No. 57) is accepted.
3. Woitaszewski's Motion to Suppress (Filing No. 22) is denied.

Dated this 14th day of February 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge